

## MODULE II

### GENERAL FACILITY CONDITIONS



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## MODULE II - GENERAL FACILITY CONDITIONS

### **II.A. APPLICABILITY**

The requirements of this permit module pertain to all regulated hazardous waste management units identified within this permit.

### **II.B. DESIGN AND OPERATION OF FACILITY**

- II.B.1. The Permittee shall design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or release of hazardous waste to the air, soil, groundwater or surface water which could threaten human health or the environment.
- II.B.2. Any construction changes associated with a permitted waste management unit at the facility shall be documented by as-built drawings, and if a Class 2 or Class 3 modification, professional engineering certifications as required by the Executive Secretary. After review of the as-built drawings and field verification of the facility's regulated waste management units, the Executive Secretary will notify the Permittee in writing of any change which he concludes does not satisfy the operating requirements specified in this permit.
- II.B.3. A facility plan view that is applicable to the execution of this permit is located in Attachment II-1.

### **II.C. REQUIRED NOTICE**

- II.C.1. When the Permittee is to receive hazardous waste from an off-site source, the Permittee shall inform the generator in writing that it has the appropriate permits for, and will accept, the waste that the generator is shipping. The Permittee shall keep an electronic or physical copy of this written notice as part of the Operating Record as required by R315-8-5.3.

### **II.D. WASTE ANALYSIS**

- II.D.1. The Permittee shall follow the procedures of the Waste Analysis Plan (WAP), in Attachment II-WAP. In addition, the Permittee shall comply with any other conditions involving waste analysis in Modules II, III, IV, V, VI and VII.
- II.D.2. Any laboratory the Permittee uses to perform analyses, which involve final waste disposal decisions, shall be certified by the State of Utah to perform those analyses. The Permittee shall inform all outside contract laboratories performing analyses for the Permittee that it shall analyze waste under the

WAP conditions set forth in this permit. For laboratories that do not meet any or all conditions of the Permittee's WAP, the Executive Secretary may grant a variance to still use that lab at the request of the Permittee. For parameters for which certification is unavailable, the laboratory shall provide quality control/quality assurance data sufficient to assess the validity of the data. The Permittee shall assess the quality of all data to assure that it meets or exceeds the requirements of the WAP.

- II.D.3. A unique number shall tie all analysis or data sheets produced by the Permittee to the profile sheet and the uniform hazardous waste manifest upon which that shipment of waste arrived at the Permittee's facility. Fingerprint analysis of shipments shall be recorded in the Operating Record and compared to tolerance ranges prescribed in the WAP. Tolerance exceeding these ranges (load discrepancy) shall be explained in the Operating Record if the waste in question is accepted. All load discrepancies shall be managed in accordance with the Waste Analysis Plan.
- II.D.4. The Executive Secretary may reject any data if it is determined to be unreliable for any reason.
- II.D.5. The Permittee shall only use test methods described in the WAP or those equivalent procedures that satisfy Condition I.O.4. Changes in test methods described in the WAP, as a result of an improvement or refinement by EPA or the State of Utah of that the Permittee in accordance with R315-7-9.4 shall adopt method.
- II.D.6. Wastes from the same or similar processes, received from federal military bases, a broker or from a generator that has several generation sites containing like wastes, may use a single sample from one site as the profile sample to approve waste profiles from each site. The Permittee is responsible for assuring that the waste profiled into the facility in this fashion is "like wastes."
- II.D.7. Waste Types: Treatment, Storage and Disposal Restrictions
  - II.D.7.a. The Permittee shall not accept wastes that exhibit the following characteristics:
    - II.D.7.a.i. Water reactive materials (Except in Lab Pack Quantities for storage only or for Treatment with prior approval of the Executive Secretary);
    - II.D.a.ii. Pyrophoric materials (Except in Lab Pack Quantities for storage only);
    - II.D.a.iii. Class 1.1, 1.2, 1.3, and 1.4 explosives;
    - II.D.a.iv. Shock sensitive materials.

- II.D.7.b. The Permittee may, without implementing the Supplemental Waste Management Plan, accept the following wastes in containers for storage prior to shipping them to another facility for storage or disposal: F020, F021, F022, F023, F026, F027, & F028.
- II.D.7.c. The Permittee may accept F020, F021, F022, F023, F026, F027, & F028 wastes for treatment and/or disposal only if the following conditions are met:
  - II.D.7.c.i. The wastes shall be compliant with R315-13, Land Disposal Restrictions (LDR) (40 CFR Part 268.41), or rendered compliant with the LDR and/or other land disposal requirements utilizing permitted treatment / management techniques available at the facility prior to final disposal;
  - II.D.7.c.ii. The wastes shall be managed in accordance with the latest approved version of the Supplemental Waste Management Plan, Attachment II-8.
  - II.D.7.c.iii. If treated at the facility, the tanks in which the treatment occurred are emptied in order to meet the definition of empty, prior to placing a different waste in the tank, as defined in R315-2-7(b)(1).
- II.D.8. If the facility accepts and treats TSCA/RCRA waste, the tanks in which treatment occurred are emptied by meeting the definition of empty for RCRA purposes and by triple-rinsing with a suitable solvent for TSCA purposes. The third and final rinseate shall be tested and confirmed to be < 50 ppm to be considered clean for TSCA purposes. Alternatively, the surfaces may be wipe sampled and confirmed to be < 10 ug/100 cm<sup>2</sup> to be considered clean.
- II.D.9. The Permittee shall only accept those hazardous wastes authorized by this permit or other RCRA Federal permits.

## **II.E. SECURITY**

The Permittee shall comply with security conditions and procedures contained in Attachment II-2.

## **II.F. GENERAL INSPECTION REQUIREMENTS**

The Permittee shall follow the inspection schedule found in Attachment II-3 and other modules in this permit.

- II.F.1 Any problem that could endanger human health or the environment (tank rupture, dike failure, transportation spills, etc.) shall be corrected as soon as possible after the problem is discovered. If the threat cannot be eliminated within 24 hours, the Executive Secretary shall be notified before the 24-hour period, since discovery, has elapsed. If the remedy requires more than 72

hours from the time that the problem is detected, the Permittee shall submit in writing to the Executive Secretary, before the expiration of the 72-hour period, a proposed time schedule for correcting the problem.

- II.F.2. Records of inspections shall be kept as required by R315-8-2.6(d).
- II.F.3. All tests for tanks, landfill or impoundment leakage, corrosion or foundation integrity shall be certified by an independent, Utah registered, professional engineer qualified by experience and education in the appropriate engineering field.
- II.F.4. The Permittee shall continuously monitor wind speed and direction and daily precipitation. This information shall be kept as part of the Operating Record.
- II.F.5. Problems found during periodic inspections conducted under this module shall be corrected within the time frame stipulated in Condition II.F.1. If, upon determination by the Executive Secretary or the Permittee, continued operation of the waste management unit involved in the inspection could endanger human health or the environment, the Permittee shall cease operation of the unit until the problem has been corrected. The Permittee shall be allowed to undertake those operations, which are part of corrective activities.
- II.F.6. The Permittee may make the following revisions to the Inspection Procedures (included as Attachment II-3 of this permit), in accordance with the procedures for Class 1 permit modifications, which require pre-approval from the Executive Secretary, in accordance with R315-3-4.3:
  - II.F.6.a. Upon certification of closure of an individual hazardous waste management unit, any portion of the Inspection Plan specific to that unit, and not subject to post-closure activities, may be deleted from the inspection procedure.
  - II.F.6.b. The Permittee may modify inspection requirements in an existing inspection form, table, figure or record in cases where such modifications will result in more comprehensive or detailed inspection procedures.
  - II.F.6.c. If necessary, the Permittee shall create additional inspection forms, tables, figures or records to address inspection requirements for equivalent replacement equipment that will be routinely inspected.

## **II.G. PERSONNEL TRAINING**

The Permittee shall conduct personnel training as required by R315-8-2.7. This training program shall follow the outline found in Attachment II-4. New personnel working with or around hazardous waste shall complete the required personnel training within six months after their hire date or



assignment to the facility. Personnel assigned to a different job function shall receive training in their new job function(s) within 30 days of re-assignment. In addition, the Permittee shall comply with the following conditions:

- II.G.1. Facility personnel shall take part in an annual review of their initial training for contingency, radiation control (if applicable) and hazardous waste management procedures relevant to the positions in which they are employed.
- II.G.2. The Permittee shall maintain training documents and records as required by R315-8-2.7(d) and R315-8-2.7(e), in accordance with the Training Plan in Attachment II-4. These records shall clearly indicate the person being trained, the employee's position, job description, and the type and amount of training received.
- II.G.3. The Permittee shall maintain a copy of the Training Plan at the facility until the facility is fully closed and closure is certified.

**II.H. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE**

- II.H.1. The Permittee shall comply with the requirements of R315-8-2.8 and the requirements of all applicable National Fire Protection Association (NFPA) codes.
- II.H.2. In addition to the requirements of R315-8-2.8, the Permittee shall comply with the conditions of Modules III, IV, V, VI and VII pertaining to ignitable, reactive or incompatible wastes.

## **II.I. LOCATION STANDARDS**

It has been determined that this facility has met the location standards specified by R315-8-2.9.

## **II.J. PREPAREDNESS AND PREVENTION**

- II.J.1. Required Equipment. At a minimum, the Permittee shall equip and maintain at the facility, the emergency equipment set forth in Attachment II-5 as required by R315-8-3.3.
- II.J.2. Testing and Maintenance of Equipment. The Permittee shall test and maintain the equipment specified in Condition II.J.1. as required by R315-8-3.4.
- II.J.3. The Permittee shall maintain records of these preventative maintenance and repair activities specified in Condition II.J.2. and shall keep schedules, reflecting minimum and planned frequency for the performance of preventative maintenance activities in the Operating Record at the facility in accordance with Condition I.O.
- II.J.4. Inspection of Safety and Emergency Equipment. The Permittee shall inspect the safety and emergency equipment as required by R315-8-2.6(b) and at the frequencies defined in Attachment II-3.
- II.J.5. Access to Communications or Alarm System. The Permittee shall maintain access to the communications or alarm systems as required by R315-8-3.5.
- II.J.6. Required Aisle Space. At a minimum, the Permittee shall maintain aisle space as specified in Condition III.F.2 as required by R315-8-3.6.
- II.J.7. Arrangements with Local Authorities. The Permittee shall attempt to make emergency plan arrangements with state and local authorities as required by R315-8-3.7. If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee or the arrangements change, the Permittee shall document this refusal or change in the Operating Record. The Executive Secretary shall be notified in writing within 30 days of any change to local emergency agreements.

## **II.K. CONTINGENCY PLAN**

- II.K.1. Implementation of Plan. The Permittee shall immediately carry out the provisions of the Contingency Plan, Attachment II-6, and follow the emergency procedures described by R315-8-4.7 whenever there is a fire, explosion or release of a reportable quantity of hazardous waste. The Permittee shall comply with Condition I.T. in reporting releases to the Executive Secretary.
- II.K.2. Copies of Plan. The Permittee shall comply with the requirements of R315-8-4.4, by: providing copies of the Contingency Plan to emergency agencies who may be called in an emergency, maintaining a copy of the Plan at the facility, and by providing a copy upon request.
- II.K.3. Amendments to Plan. The Permittee shall review the Contingency Plan in accordance with R315-8-4.5. The Permittee shall modify, if necessary, the Contingency Plan, as specified by R315-3-4.2 and R315-3-4.3.
- II.K.4. Emergency Coordinator. A trained emergency coordinator shall be available at all times in case of an emergency, as required by R315-8-4.6. The names, addresses, and telephone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Executive Secretary and shall be kept up-to-date.

## **II.L. MANIFEST SYSTEM**

- II.L.1. The Permittee shall comply with the manifest requirements of R315-5-5 and R315-8-5. The manifest number shall be recorded in the Operating Record with each load that arrives at the Permittee's facility.
- II.L.2. Wastes shall not be received that have not completed the pre-acceptance notification outlined in Condition II.C.1.
- II.L.3. Hazardous waste shipments that are received without a hazardous waste manifest shall either be rejected from the site and the refusal documented in the Operating Record, or accepted, and within 15 working days after receipt of the waste, the facility shall file an Unmanifested Waste Report with the Executive Secretary as required by Condition I.X. and R315-8-5.7.
- II.L.4. The Executive Secretary may request copies of manifests or manifest summaries. The request will be submitted by letter and shall stipulate the format and the time frame for the facility's response to this request. The Permittee shall maintain the manifests for a five-year period.

## **II.M. RECORDKEEPING AND REPORTING**

- II.M.1. The Permittee shall maintain an accurate written Operating Record at the facility in accordance with R315-8-5.3 and R315-50-1.
- II.M.2. The Permittee shall, by March 1 of each year, submit to the Executive Secretary a certification pursuant to R315-8-5.3 incorporated by reference, signed by the owner or operator of the facility or his authorized representative that the Permittee has a waste minimization program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage or disposal is the most practicable method currently available to the Permittee which minimizes the present and future threat to human health or the environment.
- II.M.3. The Permittee shall comply with the biennial report requirements of Condition I.Y., by March 1 of each even-numbered reporting year. The report shall include wastes generated, treated and stored at the Permittee's facility during the previous odd-numbered year.
- II.M.4. The Permittee shall submit additional reports to the Executive Secretary in accordance with R315-8-5.8.
- II.M.5. All reports, notifications, applications, or other materials required to be submitted to the Executive Secretary shall be submitted at the address shown in Condition I.DD.
- II.M.6. All reporting and activity days are calendar days unless noted otherwise.

## **II.N. CLOSURE/POST-CLOSURE**

- II.N.1. Performance Standard. The Permittee shall close the facility as required by R315-8-7 and Attachment II-7. For future management units not included in the Closure and Post Closure Plan in Attachment II-7, a new Closure Plan shall be submitted as part of the permit modification. Any requests for new hazardous waste management units, expansions or modifications to the operating plan shall be submitted with a revised Closure and Post Closure Plan.
- II.N.2. Amendment to Closure/Post-Closure Plan. The Permittee shall amend the Closure/post-Closure Plan in accordance with R315-8-7 whenever necessary or when required to do so by the Executive Secretary. The Permittee shall submit the modified plan to the Executive Secretary within 60 days of the Executive Secretary's request, or within 30 days if the change in facility conditions occurs during partial or final closure.
- II.N.3. Minor Changes. For all hazardous waste management units, minor deviations from the permitted Closure Plan procedures necessary to

accommodate proper closure shall be described in narrative form with the closure certification statements. The Permittee shall describe the rationale for implementing minor changes as part of this narrative report. The Permittee shall submit the certification statements and narrative report to the Executive Secretary within 60 days after completion of closure of each hazardous waste management unit.

- II.N.4. Notification of Closure. The Permittee shall notify the Executive Secretary in writing at least 90 days prior to the commencement of the final closure of any land disposal, treatment or storage unit or of final closure of the facility in accordance with R315-8-7. This notification is not required for partial closure of a storage or treatment unit. The EPA Assistant Regional Administrator for Region 8 shall also be notified when any of the units identified in Attachment II-8 are to be closed.
- II.N.5. Time Allowed for Closure. Within 180 days after receiving the final volume of hazardous waste from an off-site source, the Permittee shall complete partial or final closure of a waste management unit(s) or the facility, unless an alternative schedule has been approved by the Executive Secretary, in accordance with the conditions and closure techniques specified in Attachment II-7 and R315-8-7. The Executive Secretary may approve an extension to the closure period if the permit modification complies with the provisions listed in R315-8-7.
- II.N.6. Disposal of Contaminated Equipment, Structures and Soil. The Permittee shall decontaminate all facility equipment, structures and soil as outlined in Attachment II-7. Any facility equipment, structure, soil and rinsate which has not been decontaminated and has not been land filled on site, shall be taken to a permitted hazardous waste treatment, storage or disposal facility.
- II.N.7. Certification of Closure. Within 60 days of completion of closure of a waste management unit or the facility the Permittee shall submit, by registered mail or other proof of delivery, certification that the facility has been closed in accordance with the specifications in the approved Closure Plan, Attachment II-7 and R315-8.7. An independent, registered professional engineer qualified by experience and education in the appropriate engineering field shall sign the certification.
- II.N.8. Post-Closure. The post-closure period shall commence upon certification of closure as outlined in Condition II.N.7 and shall continue for a minimum period of 30 years. Post-closure activities shall follow the requirements of R315-8-7, Module IX and Attachment II-7.
- II.N.9. Survey Plat. Along with the certification of closure for either a disposal unit or the entire facility, a survey plat shall be provided to the Executive Secretary in

accordance with R315-8-7. This plat shall be submitted within the same time frame as the certification of closure defined in Condition II.N.7.

**II.O. COST ESTIMATES FOR THE FACILITY CLOSURE/POST CLOSURE**

- II.O.1. The Permittee's closure/post closure cost estimate shall be prepared and maintained in accordance with R315-8-8.
- II.O.2. The Permittee shall adjust the closure/post-closure cost estimate for inflation as specified by R315-8.8 (40 CFR 264.142(b) and 264.144(b) by reference) each year and submit a copy of that adjusted cost estimate to the Division of Solid and Hazardous Waste by May 15th of each year. The latest adjusted closure/post-closure cost estimate shall be documented in the Operating Record. Before each new hazardous waste management unit is placed in operation, an updated closure/post-closure cost estimate including the new unit shall be prepared. This revised cost shall be submitted at least 60 days prior to placing the unit in operation. A revised closure/post-closure cost estimate shall be submitted to the Executive Secretary 60 days after an unexpected event that affects the Closure Plan,
- II.O.3. The Permittee shall revise the closure or post-closure cost estimate within 30 days after the Executive Secretary has approved the request to modify the facility Closure Plan.
- II.O.4. The Permittee shall keep the latest, approved closure cost estimate at the facility. It shall be kept as Attachment II-7 of this permit.

**II.P. FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

- II.P.1. The Permittee shall demonstrate continuous financial assurance compliance by providing a third party financial assurance certification of at least the amount of the closure/post-closure cost estimates established in Condition II.O. The Permittee may substitute other instruments of financial assurance provided the method, funding and wording requirements of R315-8-8 are followed and approved by the Executive Secretary.
- II.P.2. The financial assurance document shall be updated within 60 days of the annual adjustment for inflation or within 60 days of the approval of a revised closure/post-closure cost estimate in accordance with R315-8-8.

**II.Q. LIABILITY REQUIREMENTS**

- II.Q.1. The Permittee shall demonstrate continuous compliance with the liability requirements of R315-8-8 (40CFR264.147 incorporated by reference). The Permittee shall have and maintain hazardous waste liability coverage for sudden and accidental occurrences in the amount of at least \$1 million U.S.

dollars per occurrence with an annual aggregate of at least \$2 million U.S. dollars, exclusive of legal defense costs, and maintain hazardous waste liability coverage for non-sudden and accidental occurrences in the amount of at least \$3 million U.S. dollars per occurrence with an annual aggregate of \$6 million U.S. dollars, exclusive of legal defense costs. A total coverage of \$4 million U.S. dollars with an annual aggregate of \$8 million U.S. dollars shall be maintained for compliance. The Permittee shall submit an approved certificate of hazardous waste liability insurance worded as required by R315-8-8.

- II.Q.2. Changes in liability coverage mechanisms shall be approved by the Executive Secretary 60 days prior to such a change.

**II.R. INCAPACITY OF OWNER OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

The Permittee shall comply with the notification and financial requirements of R315-8-8.